

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
VICENTE BAHENA, JONAS BAHENA, JOSE
CRUZ AYALA, and RAFAEL RODRIGUEZ, *on*
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

PARK AVENUE SOUTH MANAGEMENT LLC
et al.,

Defendants.
-----X

Case No.: 1:15-cv-1507

**NOTICE OF CONSENT
MOTION TO APPROVE
SETTLEMENT AGREEMENT,
CERTIFY SETTLEMENT
CLASS, AUTHORIZE CLASS
NOTICE, AND SCHEDULE
FAIRNESS HEARING**

Plaintiffs Vicente Bahena, Jonas Bahena, Jose Cruz Ayala, and Rafael Rodriguez, all individually and on behalf of all other similarly situated individuals, by and through their undersigned attorneys and with the consent of Defendants Park Avenue South Management, LLC, Gilanco Holdings, LLC, 2500 ACP Partners, LLC, EMO Realty Partners, LLC, Amsterdam Realty Partners, LLC, Maurice McKenzie, and Edward Ostad, hereby file this Consent Motion to Approve Settlement Agreement, Certify Settlement Class, Authorize Notice to Class, and Schedule Fairness Hearing. Plaintiffs respectfully request that the Court review and approve the terms of the proposed settlement of this matter, both as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216(b), and also as a class action under Fed. R. Civ. P. 23 for Plaintiffs' claims under the New York Labor Law, §§ 190 *et seq.* Plaintiffs also request that the Court approve the proposed apportionment of the settlement proceeds, after conducting a hearing about the fairness, reasonableness, and adequacy of the proposed settlement. Plaintiffs hereby submit a proposed notice of the settlement to be mailed or delivered to each opt-in Plaintiff under the FLSA collective action and to each potential class member under the Rule 23

class, informing them of the terms of the Settlement Agreement, advising them of their rights under the proposed settlement, and giving them an opportunity to be heard about the final approval of the settlement.

The grounds for this motion are that the parties have reached an arms-length settlement of this matter after extensive, bona fide settlement negotiations; that the named Plaintiffs, as representatives of the class, believe that the proposed settlement is in the best interests of the class as a whole; and that all parties desire to conclude this matter without further expense, delay, and uncertainty of continued litigation. This motion is supported by the accompanying Memorandum of Law and the documents attached thereto.

Respectfully submitted,

Dated: New York, New York
June 30, 2017

_____/s/
Bruce E. Menken
Grace Cathryn Cretcher
Scott Simpson
Beranbaum Menken LLP
Attorneys for Plaintiffs
80 Pine Street
New York, NY 10005
Tel: 212-509-1616
Fax: 212-509-8088